

# SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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**TO:** All Design Review Board Members

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**SUBJECT: Scott's Jack London Seafood Restaurant, Jack London Square,  
Oakland, Alameda County**  
(For Board consideration on February 10, 2014, First Pre-Application Review)

## Project Summary

**Applicant:** Scott's Jack London Seafood Inc., and the Port of Oakland

**Project Representatives:** Steve Fagalde, Scott's Jack London Seafood Inc., Peter Prows, Counsel for Scott's, Steve Hanson, Consultant for Scott's, and Richard Sinkoff, Director of Environmental Planning, Port of Oakland

**Project Status.** The Commission will likely hold a public hearing and vote on the project this year. While the DRB reviewed the original pavilion, this will be the Design Review Board's first review of the currently proposed project.

**Project Site.** Scott's Restaurant operates in an approximately 18,000-square-foot building located at the edge of San Francisco Bay between Broadway and Franklin Street within the Jack London Square Development. Scott's main entrance is located at the foot of Broadway. In addition to a large dining room, Scott's has seven private event spaces, six of which are located within the building. The seventh and largest private event space, known as the pavilion, is located outside of the building within the Franklin Street plaza in a BCDC-required public access area. The pavilion is an L-shaped structure that is 40 feet high. It is supported by two groupings of four steel posts in the center of the pavilion, giving it a freestanding and open feeling. It is immediately adjacent to the main restaurant building. Guests attending an event in the pavilion enter from Franklin Street through an east-facing doorway (Exhibit A – Two aerial images from MapQuest with former tent in place).

**Existing BCDC Public Access Requirements.** On March 6, 1986, the Commission issued BCDC Permit No. 1985.019 to the Port of Oakland for commercial and recreational development along a six-block-long section of waterfront property between Jefferson and Harrison Streets. This permit required the entire Franklin Street Plaza between Water Street and San Francisco Bay to become an approximately 20,000-square-foot public access plaza.

On February 13, 1996, Scott's Jack London Seafood Inc. was added as a permittee as part of Amendment No. Eight to the permit, which authorized the construction of the 4,400-square-foot pavilion on the western edge of this plaza. On July 8, 1997, the Commission split this permit into two permits. BCDC Permit 1985.019A covers all of Jack London Square except Scott's Seafood Restaurant and BCDC Permit No. 1985.019B covers only Scott's Seafood Restaurant and the adjacent pavilion.



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BCDC Permit No. 1985.019B (“the Scott’s permit”) authorizes the construction, use and maintenance of a 4,400-square-foot pavilion for shared public and private use at a ratio of 80% public use (292 days/year) and 20% private use (73 days/year). The current permit allows Scott’s to enclose the public pavilion with fabric panels during private events. Scott’s is required to provide public access signage, tables and chairs within the pavilion when in public use.

The permit’s findings state “[t]he proposed pavilion will be situated to provide an unobstructed 34-foot-wide view corridor from Water Street to the estuary approximately 80% of the time when the facility is open for public use. The existing view corridor width through this plaza is approximately 57 feet wide. The authorized pavilion design will maintain an 18-foot-wide view corridor through the plaza to the shoreline during private events. Special Condition II-B-5 requires installation of...café seating to furnish the pavilion, enhancing its utility to the public for daily use.” The findings continue with “[t]he Commission finds that the public access improvements sufficiently offset the potential for the pavilion to privatize the existing plaza and that these enhancements will improve overall the public’s use and enjoyment of the existing plaza so that the net effect of the project, given the periodic unavailability of the plaza, will result in an overall enhancement of the public access...The Commission finds that the private use is incidental to the public access use, is in keeping with the character of the area and will not unduly obstruct public access to and enjoyment of the Bay.”

**Proposed Project.** Scott’s proposed project is located entirely within BCDC-required public access and replaces the existing canvas tent enclosure with a new enclosure consisting of four components: (1) a permanent doorway entrance; (2) partially retractable wall panels; (3) a storage area and breezeway; and (4) planters placed on the exterior side of the pavilion.

1. **Permanent Doorway Entrance.** Scott’s proposes to install three entrances to the new pavilion, one of which will serve both as the new Franklin Street entrance and the point where the moveable wall panels are stabilized and the end of their reach. This main entrance is an 8-foot-wide by 9-foot-tall metal doorframe and two metal framed swinging doors with dual pane glazed glass door panels. The area above the doorway, which does not reach all the way to the pavilion soffit, is enclosed with a metal feature to match the pavilion. This main entrance would be a permanent feature within the public access area. *The metal entrance doorway is constructed but the door panels are not yet in place.*
2. **Partially Retractable Wall Panels.** Scott’s proposes to replace the fabric panels used to enclose the pavilion for private events with 40, 5-foot-wide by 15-foot-tall moveable wall panels and two fixed wall panels that are 40 feet long and nearly 15 feet long, respectively. The panels are powder coated aluminum frames translucent insulated material that permits light admittance during the day and produces a glow in the evening when lit from within. The wall panels hang from a track within the pavilion soffit and may be rolled into place. When not in use, the wall panels retract into two locations, one on the north and one on the west side of the pavilion, where they are stored in a stacked arrangement adjacent to the fixed wall panels. Each of the fixed wall panels would have a door to accommodate service staff and meet fire safety requirements. *This wall panel system is almost entirely constructed and in place.*
3. **Storage Area and Breezeway.** Scotts’ proposes to enclose a portion of the area between the restaurant and the pavilion with a storage area and breezeway. The storage area occupies 255 square feet of public access and is used to store furniture and equipment. The breezeway encloses a 122-square-foot area that was previously open but not part of the required public access. The breezeway wall would improve security, reduce ambient sound, and keep the noise, weather, dust, and dirt originating from the delivery and service driveway out of the breezeway area during private pavilion events. *The storage area and breezeway walls have already been constructed and are in place.*
4. **Planters.** Scott’s proposes to place 16 planters around the perimeter of the L-shaped pavilion to protect the wall panels from damage by delivery vehicles when the pavilion walls are in place. Each planter would occupy 4.7 square feet, for a total of 75.2 square feet. The planters would be stored adjacent to the north fixed wall panels when the pavilion is in public use. *The planters have been constructed and are intermittently in place.*

**Enforcement Action.** The proposed project has been almost entirely constructed and installed before the necessary BCDC permit amendments and plan review and approval have been obtained. Nevertheless, the Board must review the project as if it were not in place even though it will view renderings of existing yet unauthorized construction.

Scott's introduced this project to staff as one that would benefit the public as well as Scott's. Based on the original project description, staff advised Scott's that it could likely authorize the conversion of the pavilion enclosure system from canvas walls to retractable panels via plan review and approval. However, prior to obtaining plan review and approval, Scott's commenced and nearly completed construction of its wall panel system. As Scott's further designed and built its project, staff learned that the wall panel system involved more improvements than Scott's had initially envisioned and that a substantial portion of the improvements would be permanently located in required public access areas, impacting pedestrian circulation and views of the Bay. During a site visit at Scott's, staff also realized that a storage area had been constructed without authorization. The preliminary design included the wall panels and one fixed doorway on the east side. BCDC staff discouraged placement of the fixed walls and doorway and explained that an amendment would be needed to authorize these improvements. Later, staff learned that the project included planters and additional doors.

**Design Review Issues.** The project proposes several improvements further restricting both physical and visual access at this required public access area. Scott's proposal would change a formerly four-sided open air space to one where a permanent door would stand in the middle of an otherwise open area, a permanent wall would be installed along most of the north side of the pavilion (currently required to be open), and a permanent wall and the new storage area would be installed along the western side of the pavilion (currently required to be open). With these changes, pedestrian and bicycle circulation in and through the public access space is more limited and impeded. Also, some the proposed structures may limit the Port's ability to make use of the pavilion for public events. The Board's advice is sought on whether changes to the design and position of some of the project elements could lessen the impact of the enclosed pavilion on the public access area and whether some changes could be made to enhance the public's enjoyment of the public access area. Only the Commission can determine if the modifications to the public access area constitute the maximum feasible public access consistent with the project and the Commission will be evaluating the project in this light.

Specifically, the Board's advice is sought on the following issues:

1. **Permanent Doorway Entrance and Fixed Wall Panels.** The Board should consider whether the following proposed additions ***within the perimeter of the pavilion structure*** would detract from the public's ability to use and enjoy the public access area required by BCDC Permit No. 1985.019.011B, including consideration of pedestrian circulation and views to the Bay, when the pavilion is available for public use 80% of the year:
  - a. **Permanent Doorway Entrance and Illuminated Exit Sign on the East Side of the Pavilion.** The location of this doorway, unlike the other permanent structures proposed as part of this project, is located in the center of the plaza between Scott's and Kincaid's Restaurants (and along the eastern edge of the pavilion). The Board should consider whether a permanent structure at this location is inconsistent with the existing public access requirements and, if so, direct Scott's to design a removable doorway that would not break up the public space when the pavilion is not in use.
  - b. **Fixed panel walls and permanent door on north side of pavilion.** The canvas fabric panels took many hours to erect and dismantle and required the use of mechanical ladders. The new wall panels are more easily changed from an open to a closed position, thereby reducing the setup and take down time for private events. The present length of the fixed wall panel and one set of moveable wall panels on the north side of the pavilion are 40 feet. The Board should consider whether 40 feet is too long and whether these panels should be reduced in length to assure that the new system minimizes any adverse impacts to the existing public access and views.

- c. **Fixed panel walls and permanent door on west side of pavilion.** The canvas fabric panels were entirely removed when the pavilion was in public use. The new wall panel system, storage area/stage and breezeway together convert approximately 65 feet (and approximately 500 square square feet) of the western edge of the pavilion from open to enclosed when the pavilion is in public use. The Board should consider whether this construction minimizes any adverse impacts to the existing required public access and views.
2. **Storage Area and Breezeway and Planters.** The Board should advise whether the following proposed additions *adjacent to the pavilion structure* would detract from the public's ability to use and enjoy the public access area required by BCDC Permit No. 1985.019.021A, including consideration of pedestrian circulation and views to the Bay, both when the pavilion is in use for private events and when it is open to the public:
- a. **Storage area, stage features and breezeway located on the west side of the pavilion next to the restaurant building.** When the pavilion is in private use, BCDC staff has observed that Scott's stacks and stores its public furniture in the public access area rather than in the storage area. The Board should consider whether it is appropriate to allow conversion of a public access area to private use unless, for example, its use is limited to storage of the public seating and tables and suggest arrangements and locations for the public furniture in other parts of the public access area when the pavilion is enclosed; and
  - b. **Sixteen metal planters placed around the perimeter of the pavilion structure.** The Board should consider whether the proposed planters are the most effective, aesthetic and least intrusive means of protecting the wall panels and whether it is appropriate to store the planters in the delivery area.